

Item No. 7

APPLICATION NUMBER	CB/13/04368/FULL
LOCATION	Toddbury Farm, Slapton Road, Little Billington, Leighton Buzzard, LU7 9BP
PROPOSAL	Change of use of land to a mixed use of mobile home/vehicle repairs and sales (previously consented under CB/12/4383/Full) and a residential caravan site for one Gypsy/Traveller family. The site to contain one static caravan, one touring caravan on the existing hard standing.
PARISH	Billington
WARD	Eaton Bray
WARD COUNCILLORS	Cllr Mrs Mustoe
CASE OFFICER	Vicki Davies
DATE REGISTERED	17 December 2013
EXPIRY DATE	11 February 2014
APPLICANT	Mr Nolan
AGENT	BFSGC
REASON FOR COMMITTEE TO DETERMINE	Call-in by Cllr Mrs Mustoe for the following reasons: <ul style="list-style-type: none">- industrial site to be used for residential purposes- the reason given that the extra pitch to be used for security purposes does not hold up as it is part of Toddbury Farm- this site is not on the official sites to be extended in the Central Bedfordshire Gypsy and Traveller Local Plan- to allow more pitches in the villages of Billington, Central Bedfordshire Council will have reneged on their promises
RECOMMENDED DECISION	Full Application - Approval

Reasons for Recommendation

The principle of the business use of the site has previously been established and there is an extant consent which could be implemented. With regard to the residential use of the site, the application site is within the Green Belt and therefore very special circumstances need to be demonstrated to justify the development. The proposal would result in harm by reason of inappropriateness, however other harm by reason of adverse effect on openness and visual amenity are minimal due to the scale and nature of the development and the fall-back position of the business use. It is considered that the personal circumstances of the proposed occupier, along with the security benefits of the occupation, the continuing requirement for pitches to address the backlog and ongoing need met, in part, by windfall sites are such to, on balance, outweigh the limited harm to the Green Belt. Overall it is considered that there are very special circumstances which outweigh the limited harm to the Green Belt and that subject to conditions the proposal would be.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

RECOMMENDED CONDITIONS

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The business use of the premises hereby permitted shall only be operated by those persons named on the permission hereby granted or on a relevant planning permission as being permitted to reside on the adjoining Toddbury Farm, Traveller Site.

Reason: The Local Planning Authority considers that the personal circumstances of the applicant and adjoining Traveller site override the planning objections which would normally compel the authority to refuse permission for the development hereby permitted.
(Policy GT8 of the emerging Gypsy and Traveller Local Plan, 2013)

- 3 No caravan located on the Site shall be occupied for residential purposes by persons other than Gypsies and Travellers, as defined in annexe 1 of Planning Policy for Traveller Sites 2012.

Reason: To ensure that the occupation of the residential caravans on the site is restricted to Gypsies and Travellers.

- 4 The occupation of the residential caravans on the Site hereby permitted shall be limited to the following person and his dependant relatives:

Mr Patrick Nolan

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework and Policy 36 D.S.C.B.

- 5 No caravan located on the site shall be occupied for residential purposes until the business use hereby permitted has been commenced.

Reason: In order to control the development and in light of the weight given to the relationship between the business and residential use.

- 6 In the event that the residential caravans shall cease to be occupied by those named in Condition 4 above the residential use hereby permitted shall cease and all residential caravans shall be removed from the Site within 28 days of that date.

Reason: In recognition of the location of the site in the Green Belt and the "very special circumstances" case accepted in accordance with the National Planning Policy Framework, Planning Policy for Traveller Sites and policy 36 DSCB.

- 7 **The uses hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by, the Local Planning Authority and the scheme has been implemented accordingly.**

Reasons: To protect and prevent the pollution of controlled waters (particularly the Secondary aquifer and River Ouzel to the south of the site) from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF; paragraphs 109, 120, 121), EU Water Framework Directive, Anglian River Basin Management Plan (RBMP) and Environment Agency Groundwater Protection (GP3:2012) position statements A4 to A6, D1 to D4 and N7.

- 8 The business use hereby permitted shall not be undertaken outside the hours of 08:00 to 18:00 on Mondays to Fridays and outside the hours of 08:00 to 14:00 on Saturdays, Sundays, Bank and Public Holidays.

Reason: To protect the amenities of the area.
(Policy BE8 S.B.L.P.R and policy 43 D.S.C.B).

- 9 The business premises shall only be used for vehicle, mobile home and caravan repairs with ancillary sales and no other purpose (including any other purpose falling within Class B2 or A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2006), or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control the development in the interests of amenity.
(Policy BE8 S.B.L.P.R and policy 43 D.S.C.B).

- 10 No vehicles, goods, waste or other materials shall be stored, stacked or deposited outside the buildings to a height exceeding 2 metres, excepting where the height of a single vehicle or mobile home is higher.

Reason: To safeguard the amenities of the area and Green Belt.
(Policy BE8, SBLPR and policies 36 and 43 D.S.C.B).

- 11 The uses hereby permitted shall not commence until the parking arrangements for cars, commercial vehicles and mobile homes within the confines of the site shown on drawing no.1446-PL-010 Rev A of planning permission CB/12/04383/FULL, have been constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the parking shall thereafter be retained for such use.

Reason: In order to minimise danger, obstruction and inconvenience to users of the highway.
(Policies BE8 & T10 S.B.L.P.R and 27 & 43 D.S.C.B).

- 12 Before the premises are occupied, details of surfacing for all on-site vehicular areas shall be submitted to and agreed in writing by the Local Planning Authority to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: In order to minimise danger, obstruction, and inconvenience to users of the highway and of the premises.

- 13 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**

**Reason: To ensure a satisfactory standard of landscaping in this rural, Green Belt location.
(Policy BE8, S.B.L.P.R and Policies 36 & 43 D.S.C.B).**

- 14 No more than 2 residentially occupied caravans shall be a mobile home, shall be located on the site of which no more than 1 and occupied for residential purposes.

Reason: In recognition of the location of the site in the Green Belt and having regard to the provisions of the National Planning Policy Framework and policy 36 DSCB.

- 15 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number CBC/001 & BP-02.

Reason: For the avoidance of doubt.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the South Bedfordshire Local Plan Review (SBLPR) and the emerging Development Strategy for Central Bedfordshire (DSCB).
2. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

3. Please note that the unnumbered drawings submitted in connection with this application have been given unique numbers by the Local Planning Authority. The numbers can be sourced by examining the plans on the View a Planning Application pages of the Council's website www.centralbedfordshire.gov.uk.

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been recommended for approval for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.

NOTES

(1) In advance of the consideration of the application the Committee were advised of additional consultation received from Aylesbury Vale District Council who had no comments to make, Buckingham & River Ouzel Internal Drainage Board suggesting ground conditions are investigated. 5 letters of objection.

(2) In advance of the consideration of the application the Committee received representations made under the Public Participation Scheme.